IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT	:	**WILLIAMS, Norman E., et al.**
SERIAL NO	:	10/784,355
FILED	:	February 23, 2004
TITLE	:	INBRED MAIZE LINE PH6KW

Grp./A.U.	:	1638
Examiner	:	MEHTA, Ashwin D.
Conf. No.	:	2334
Docket No.	:	P06603US01 - PHI 1336C

PETITION TO WITHDRAW A TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.182

Commissioner for Patents
P.O. Box 1450
Mail Stop Petition
Alexandria, VA   22313-1450

Dear Sir:

The Applicants petition to withdraw a Terminal Disclaimer inadvertently filed. A first

Terminal Disclaimer was properly filed and its filing overcame the relevant double patenting

rejection. This Petition is to withdraw a second Terminal Disclaimer inadvertently filed.

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454         130.00 CR
2007 CKHLOK   00000024 260084   10784355
FC2          400.00 DA
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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING	ELECTRONIC/FACSIMILE
☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Petition Alexandria, VA 22313-1450.	☑ transmitted by electronic/facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (571) 273-8300.

Date: _5/1/07_

Robert A. Hodgson

1.   The Examiner rejected claims 19-22 and 25-27 in the Office Action of September 6, 2006 on the ground of Nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30 of U. S. Patent No. 6,756,528 ('528) in view of Larkins (U.S. Patent No. 6,232,535) (Exhibit 1). Such a rejection often occurs where a child application is rejected for nonobviousness-type double patenting in view of a parent.

2.   Applicants overcame this rejection by properly submitting a Terminal Disclaimer of prior Patent No. 6,756,528 (Exhibit 2) with the Amendment filed January 31, 2007 (Exhibit 3). In the Amendment, Applicants stated "Applicants are herein submitting a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c), which disclaims any term of a patent issuing from this application which would extend beyond the term of copending U.S. Patent No. 6,756,528 in view of Larkins (U.S. Patent No. 6,232,535)."

3.   In addition to the proper Terminal Disclaimer of prior Patent No. 6,756,528, a Terminal Disclaimer to Patent No. 6,232,535 (Exhibit 4) was submitted with the Amendment of January 31, 2007. This Terminal Disclaimer was not referenced in the remarks of the Amendment of January 31, 2007 and was filed in error.

4.   After learning that the second Terminal Disclaimer to Patent No. 6,232,535 was filed, the undersigned attorney contacted the Examiner and explained the inadvertent submission of the second Terminal Disclaimer to Patent No. 6,232,535. The Examiner stated that a Petition to Withdraw the Terminal Disclaimer to Patent No. 6,232,535 would need to be filed and confirmed that the single terminal disclaimer removed the double patenting rejection.

5.   Nonstatutory obviousness-type double patenting rejection of claims 19-22 and 25-27 was properly overcome by Applicants' submission of the Terminal Disclaimer of prior Patent

No. 6,756,528. The submission of the Terminal Disclaimer of prior Patent No. 6,232,535 is unnecessary to overcome this rejection.

6.   Applicants accordingly hereby petition the Office to withdraw the submitted Terminal Disclaimer of prior Patent No. 6,232,535.

7.   Please charge the fee of $130.00 for this Petition as set forth in 37 C.F.R. 1.17(h) to Deposit Account No. 26-0084. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,

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Attorneys of Record

- bjh -
Enclosures: Exhibits 1, 2, 3 and 4

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